FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CIVIL APPLICATION NO.976 OF 2007
IN
WRIT PETITION NO.495 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.Vishwasrao S.Deokar with
R.N.Bedekar for the applicant.

Mr.C.R.Sonawane AGP for respondent nos.1 to 4.

Mr.Mandar Limaye for respondent nos.5 & 6.

Coram : S.B.Mhase &
R.S.Mohite,JJ

Date : 21.04.2007

PC

1. Heard both sides.

2. This Court has passed an interim order stating that the applicant should not be removed from the service. His claim for permanent approval is pending and is the subject matter of this petition. However, since the applicant is working with the respondent nos.5 & 6, the primary responsibility of the payment of salary is on respondent

nos.5 & 6. No doubt, respondent nos.5 & 6 are grantable institutions and they are entitled to get grant from respondent nos.1 to 4. However, the grant is on the satisfaction of certain conditions as are applicable to the schools or colleges. Since the primary responsibility is on respondent nos.5 & 6 and since grievance is made that they are not making payment, we hereby direct respondent nos.5 & 6 to make payment of a salary to the applicant according to the pay scale admissible to the teachers of junior college under Maharashtra Employees of Private Schools Act, 1977 and Rules of 1981. If there are arrears, the same shall also be paid from the date of application. We make it clear that respondent nos.5 & 6 if entitled for grant of salary of the applicant, they can make appropriate proposal to respondent nos.1 to 4 and if such a proposal is made, respondent nos.1 to 4 shall consider it on its own merits. With these directions, Civil application disposed off. The salary of the applicant shall be cleared by

the respondent nos.5 & 6 within a period of 2 months from today. We also direct respondent nos.5 & 6 that monthly regular salary shall also be paid to the applicant.

(R.S.Mohite,J) **(S.B.Mhase,J)**